

RESOLUTION NO. 95-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
THOUSAND OAKS ESTABLISHING DESIGN GUIDELINES AND
STANDARDS FOR THE INSTALLATION OF DISH ANTENNAS
WITHIN THE CITY OF THOUSAND OAKS

SECTION 1. It is found and declared that the following guidelines and design features and elements provide clearly defined objectives that are reflective of, and compatible with, the natural setting of the scenic and historic beauty of the environment of the Conejo Valley in general, and the City of Thousand Oaks in particular and that when properly used, they will not have a deleterious or adverse effect on surrounding properties or the peace, health, safety and general economic welfare of the inhabitants, businesses and industries.

For purposes of definition, a dish antenna shall mean an apparatus capable of receiving or transmitting communications from a transmitter or a transmitter relay located in planetary orbit. This definition does not include 18" or smaller diameter dish antennas which are not visible from the public right-of-way and, in residential zones, are not roof-mounted nor exceed 6' in height when measured from ground-level to the top of the antenna, including all other components.

- A. Installing the dish antenna in the interior, side or rear yard, on the roof, provided it is located in a roof well or location screened by a parapet wall or other unobtrusive location on the property, thus reducing the visual impact;
- B. The installation of all accessory equipment adjacent to the main unit if so specified by manufacturer of dish antenna;
- C. Dish antennas should be enclosed with a fence or block wall of appropriate height for screening, aesthetic and security purposes in such a manner so as not to impair reception and/or transmission of the unit;
- D. Support structures, security fencing/walls should be screened through the addition of architectural features and/or landscaping that harmonize with the elements and characteristics of the property;
- E. All ground mounted dish antennas should be placed adjacent to main or accessory structures or other appropriate solid background in order to minimize visual impact;
- F. All units should be color coordinated to harmonize with dominant background materials and colors;

- G. All ground mounted commercial, industrial and quasi-public dish antennas shall not exceed a height of 20 feet above grade level;
- H. All ground mounted dish antennas in residential zones, with the exception of churches, schools and other quasi-public institutions shall observe the maximum 15 foot height limitation required for all accessory structures;
- I. Specific location of all dish antenna units in commercial and industrial zones shall observe the minimum setback requirements for main structures as specified in the applicable underlying zoning classification; dish antenna units in residential zones shall observe the minimum setbacks for accessory structures as specified in the applicable underlying zoning classification.
- J. That the City shall cooperate in assisting all parties involved in solving matters related to transmission problems such as television interference.

SECTION II. It is found and declared that the following materials, design features, and elements for dish antenna installations are not generally illustrative and reflective of and compatible with the natural setting of the scenic and historic beauty and environment of the Conejo Valley in general and the City of Thousand Oaks in particular and would have a deleterious or adverse effect on surrounding property and the peace, health, safety, and general economic welfare of the inhabitants, businesses, and industries.

- A. Dish antennas mounted on roofs and/or ground surface locations with significant public exposure or in locations incapable of accommodating appropriate method of screening;
- B. The use of guy wires or similar devices and techniques to assist in the structural support of a dish antenna unit;
- C. Exposed mechanical or accessory equipment.
- D. Bright shiny colors not compatible with background material.

SECTION III. NO BUILDING PERMIT (ENFORCEMENT)

No zone clearance shall be made which would allow issuance of a building permit for the installation of any dish antenna unless a plan has been approved in accordance with the provisions of this resolution. It shall be unlawful for any person to proceed with the installation of any system without securing such approval and complying with all terms and conditions thereof.

SECTION IV. CONTENTS OF PRECISE PLAN OF DESIGN

- A. A site plan of the subject property, showing property lines, abutting properties, all structures on the subject property as well as adjacent properties, walls, setbacks, nearby streets, major vegetation, as well as the location of the proposed dish antenna;
- B. All affected exterior elevations and architectural features, the texture and color of all materials to be used for the proposed installation including nearby landscape materials;
- C. A map and list showing all property owners names and addresses adjacent to the subject property; or in the case of a special use permit for residential installations all property owners names and addresses within 300 feet of the subject property shall be provided;
- D. Manufacturers' details and installation specifications, including remedial architectural treatment to improve or soften the appearance of the installation;
- E. Written documentation that appropriate property owners associations have been notified and fully apprised of the proposed installation;
- F. This resolution is not intended to displace or supersede tract covenants, codes and restrictions found in title to affected properties within the City of Thousand Oaks that are more restrictive and/or not in conflict with said City policies pertaining to this resolution.
- G. That in areas characterized by Covenants, Codes, and Restrictions (C.C. & R's) which are recognized and accepted as being more restrictive than the City's installation guidelines and standards, the applicant is hereby advised of potential conflict with Covenants, Codes, and Restrictions (C.C. & R's) and potential legal conflicts if proper authorization and approval from an affected Homeowner Association is not obtained.

SECTION V. APPLICATIONS

When a plan is required by this section for commercial, industrial or quasi-public uses, the Precise Plan of Design shall be submitted to the Planning Department for review as a minor modification of the project development or special use permit. In certain cases where no development or special use permit exists, the request may be reviewed in accordance with the Administrative Approval procedure as set forth in Section 9-4.2815 of the Municipal Code. For requests within residential zones, the Precise Plan of Design shall be reviewed as a special

use permit as specified in the applicable underlying zoning classification in accordance with Article 28 of the Municipal Code unless otherwise determined by the Planning Commission. Installations within residential zones may be authorized by the Director of Planning and Community Development pursuant to a Special Use Permit provided the Director finds that the dish antenna installation substantially complies with the City's installation standards and guidelines and will not be contrary to the purposes of this resolution.

SECTION VI. PRECISE PLAN APPROVAL PROCEDURE

The Planning Director shall review the Precise Plan to insure that the functional arrangement and the general appearance of the installation conforms to the intent and requirements of this resolution. In precedent setting cases, the Planning Director may refer a request to the Planning Commission for rendering of a decision. The Precise Plan of Design as submitted may be approved, disapproved, conditionally approved or modified if the Planning Director, Planning Commission or City Council finds that the design would:

1. Substantially depreciate property values in the vicinity; or
2. Would be substantially and materially incompatible with the natural environment and beauty of the surrounding properties in the City in particular, and the Conejo Valley in general; or
3. Would deter an orderly and attractive development of the community in general, and surrounding property in particular; or
4. Would otherwise adversely affect the public peace, safety or general economic welfare; or
5. Does not comply with the adopted guidelines and standards

If the Precise Plan of Design is in any way rejected, conditionally approved or modified, an appeal of the Planning Director's decision may be taken to the Planning Commission in accordance with the procedures set forth in Section 9-4.2815 of the Municipal Code.

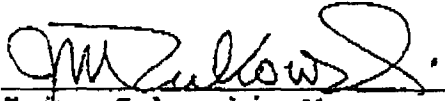
SECTION VII. 18" DIAMETER AND SMALLER DISH ANTENNA

It is found and declared that the installation of 18" diameter and smaller dish antenna will not have a deleterious or adverse effect on surrounding properties or the peace, health, safety and general economic welfare of the inhabitants, businesses, and industries of the Conejo Valley provided the following criteria are satisfied. It is further declared that 18" diameter and smaller dish antennas are allowed in the City without a

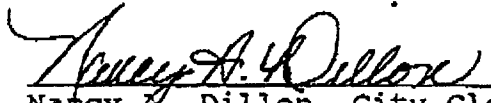
discretionary entitlement permit, provided they are not visible from the public right-of-way, and, in residential zones, are not roof-mounted nor exceed 6' in height when measured from ground-level to the top of the antenna, including all other components. In locations other than specified above, the installation of 18" dish antennas must comply with the guidelines set forth herein.

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PASSED AND ADOPTED this 3rd day of January, 1995.


Jaime Zukowski, Mayor
City of Thousand Oaks

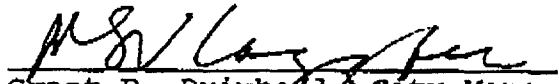
ATTEST:


Nancy E. Dillon, City Clerk
City of Thousand Oaks

APPROVED AS TO FORM:


Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:


Grant R. Brimhall, City Manager

PCD:100-50/mh/34.2

EXHIBIT C

PROPOSED REVISIONS TO SECTION 25.104¹

- (a) Any state or local **zoning, land-use, building, permitting** or similar regulation that substantially limits reception by receive-only antennas **one meter in diameter or less**, or imposes ~~substantial~~ **more than minimal** costs on users of such antennas, **is deemed unreasonable, and is therefore preempted. Any such local zoning, land-use, building, permitting or similar regulation that substantially limits reception by, or imposes more than minimal costs on users of, receive-only antennas greater than one meter in diameter,** is preempted unless the promulgating authority can demonstrate that such regulation is reasonable in relation to:
- (1) a clearly defined, and expressly stated health, safety, or aesthetic objective; and
 - (2) the federal interests in fair and effective competition among competing communications service providers, **and in facilitating the distribution of interstate satellite communications (as mandated in 47 U.S.C. § 151 and 47 U.S.C. § 605).**
- (b) Any regulation covered by paragraph (a) of this section shall be presumed unreasonable if it affects the installation, maintenance, or use of:
- ~~(1) a satellite receive-only antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by local land-use regulation; or~~
 - ~~(2) a satellite receive-only antenna that is one meter or less in diameter in any area.~~
- (c) Any presumption arising from paragraph (b) of this section may be rebutted upon a showing that the regulation in question
- (1) is necessary to accomplish a clearly defined and expressly stated **reasonable** health or safety objective;
 - (2) is no more burdensome to satellite users that is necessary to

¹ Should the Commission forebear from totally preempting local regulation of one meter dishes, then the language of Section 25.104(b) proposed by USSB to be deleted would be necessary, and should then be retained.

achieve the health or safety objective; **and**

- (3) is specifically applicable to antennas of the class mentioned in paragraph (b).
- (d) Regulation of satellite transmitting antennas is preempted to the same extent as provided in paragraph (a) of this rule, except that state and local health and safety regulations relating to radio frequency radiation of transmitting antennas are not preempted by this rule.
- (e) Any person aggrieved by the application or potential application of a state or local zoning or other regulation in violation of paragraph (a) of this section may, after exhausting all nonfederal administrative remedies, file a petition with the Commission requesting a declaration that the state or local regulation in question is preempted by this section. Nonfederal administrative remedies, which do not include judicial appeals of administrative determinations, shall be deemed exhausted when
 - (1) the petitioner's application for a permit or other authorization required by the state or local authority has been denied and any administrative appeal has been exhausted;
 - (2) the petitioner's application for a permit or other authorization required by the state or local authority has been pending with that authority for ninety days;
 - (3) ~~the petitioner has been informed that~~ a permit or other authorization required by the state or local authority will be conditioned upon the petitioner's expenditure of an amount greater than the aggregate purchase and installation costs of the antenna; or
 - (4) a state or local authority has notified the petitioner of impending civil or criminal action in a court of law and there are no more nonfederal administrative steps to be taken.
- (f) Any state or local authority that wishes to maintain and enforce zoning or other regulations inconsistent with this section may apply to the Commission for a full or partial waiver of this section. Such waivers may be granted by the Commission in its sole discretion, upon a showing by the applicant that local concerns of a highly specialized or unusual nature create an overwhelming necessity for regulation inconsistent with this section. No application for waiver shall be considered unless it includes the particular regulation for which waiver is sought. Waivers granted according to this rule shall not apply to later-enacted or amended regulations by the local authority unless the Commission expressly orders otherwise.